IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY

PARSI SUIT NO.21 OF 2006

Benaz V. Bulsara ..Plaintiff No.1.

and

Vispi Pervez Bulsara ..Plaintiff No.2.

...

Mrs. A. S. Khushrushahi for the Plaintiffs.

CORAM : DR.D.Y.CHANDRACHUD, J.
12th September, 2006.

P.C.:

This is a suit for divorce by mutual consent under Section 32-B of the Parsi Marriage and Divorce Act, 1936 ("the Act"). The parties are both Parsi Zoroastrians and were married on 28th January, 2001, according to Parsi Zoroastrian rites and customs. Since March 2005 the First Plaintiff has lived separately from the Second Plaintiff as a result of serious matrimonial differences.

2. In view of the judgment of a learned Single Judge of this Court F.I.Rebello, J., dated 18th October, 2004 in Suit No.15 of 2004, which was confirmed in appeal by the Division Bench on 10th March, 2005, it is not necessary for the Court to consult the delegates in a suit under Section 32-B for divorce by mutual

consent.

3. Both the parties are present before the Court and have deposed in support of the claim in the suit. Both the parties have stated that they are agreed to a divorce by mutual consent. I am of the view, on the basis of the evidence which has been recorded, that the marriage has been solemnised under the provisions of the Act; that the averments in the plaint are true and that the consent of either party to the suit was not obtained by force or fraud.

4. There is no reason why the prayers sought in the suit should not be allowed. A divorce by mutual consent is in the interest of both the parties and having regard to the fact that they have lived apart for a period in excess of one year, there is no possibility now of a reconciliation. The suit is accordingly, decreed in terms of prayer clauses (a).